

U.S. DISTRICT COURT NORTHERN DISTRICT OF TEXAS FILED AUG - 7 2020 CLERK, U.S. DISTRICT COURT By <i>AC</i> Deputy

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

TEARENEI NICHOLE MOORE,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

2:20-CV-98-Z

**ORDER ADOPTING FINDINGS, CONCLUSIONS AND RECOMMENDATION
AND
DENYING MOTION TO VACATE, SET ASIDE OR CORRECT SENTENCE**

Before the Court is the United States Magistrate Judge's Findings, Conclusions and Recommendation to Deny Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence (ECF No. 7) which was filed by Petitioner in this case. As of this date, neither Petitioner nor Respondent have filed objections to the findings, conclusions, and recommendation. After making an independent review of the pleadings, files, and records in this case, the Court concludes that the findings, conclusions, and recommendation of the Magistrate Judge are correct. It is therefore ORDERED that the findings, conclusions, and recommendation of the Magistrate Judge are ADOPTED, and the Motion to Vacate, Set Aside or Correct Sentence (ECF No. 7) is DENIED.

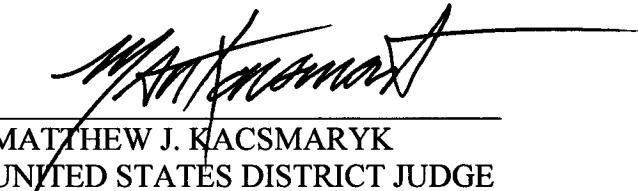
Considering the record in this case and pursuant to Federal Rule of Appellate Procedure 22(b), Rule 11(a) of the Rules Governing Section 2255 Proceedings in the United States District Courts, and 28 U.S.C. § 2253(c), the Court DENIES a certificate of appealability because Petitioner has failed to make "a substantial showing of the denial of a constitutional right." *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). The Court hereby ADOPTS and incorporates by reference the Magistrate Judge's findings, conclusions, and recommendation filed in this case in support of

its finding that petitioner has failed to show: (1) that reasonable jurists would find this Court's "assessment of the constitutional claims debatable or wrong," or (2) that reasonable jurists would find "it debatable whether the petition states a valid claim of the denial of a constitutional right" and "debatable whether [this Court] was correct in its procedural ruling." *Id.*

If Petitioner files a notice of appeal, she may proceed *in forma pauperis* on appeal. *See* Fed. R. App. P. 24(a)(3).

SO ORDERED.

August 7, 2020.


MATTHEW J. KACSMARYK
UNITED STATES DISTRICT JUDGE